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r/MtF • 1y ago
JessicaPink703 Legal Researcher

My Case to End Social Security's Gender Change Ban

Politics

Continuing on my work that got picked up from the ACLU to sue to end Trump's Passport Gender Change Ban (more here in case you missed it), the next and final target of mine is the Social Security Administration. But to succeed, I'm going to need all of your help again! ❤️

Some Context: Social Security illegally in an Emergency Message linked below banned Sex Data changes (previous policy allowed trans but not non-binary people to choose the gender on their record using this, that marker is used by educational institutions, some workplaces, the government, healthcare, and banks to tell who a person is on the backend via SSNs):

https://secure.ssa.gov/apps10/reference.nsf/links/01312025043159PM

My Case Analysis (including CRBA and additional Passport arguments too) linked at the bottom of this post, which has been reviewed by multiple California based attorneys, has everything in it for any legal nonprofit or attorney to throw into a lawsuit and file it to get these policy changes quickly blocked for violating the Administrative Procedure Act (APA). For those of you who were ***unable to update the gender*** *on your* ***Social Security*** *record in time*, please, ***take this case*** and call up your local nonprofit legal organization's office (such as Lambda Legal or the ACLU who have offices all over the country). Ask about them taking this pro bono as a public interest case and keeping your identity confidential for fear of violence, there is great interest right now for these organizations. The APA is needed vs other arguments alone to get these extra couple months for a new generation of trans and nonbinary people to gain accurate documentation, as it will buy us time especially if our constitutional rights fall in *Skrmetti* at SCOTUS.

Even if you don't feel comfortable suing or aren't eligible to (like me), please send this to these organizations near where you live anyway and any friends you may have who might be interested. These citations and arguments need to be widely circulated as much as possible, we need to move now before our rights are gone. Since I don't have standing myself, I'll have to leave it up to you guys, my lines of communication via the comments and Reddit DMs are open for any questions! Together, we will resist until we can push these demons back into the shadows for good. :D

Here is the Case Analysis:

https://docs.google.com/document/d/1yZhGzzkvYNQ4N4pBQBVEdSLW9zY5HUXMY2Syxzpj1Wk/edit?Legal Sex Change Ban APA Case Analysisusp=sharing

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amelia_bougainvillea • 1y ago
Trans Pansexual

Your knowledge and thoroughness are awesome! ✊

JessicaPink703 OP • 1y ago
Legal Researcher

Thank you <3

Gullible-Grass-5211 • 1y ago
trans

Thank you for your hard work ❤️

r/MtF

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THANKS!
Thanks to u/S our banner!
Thanks to u/i

MODERATORS
u/Ceda Bigend
u/AutoI
u/nikkit

[deleted] • 1y ago

hi_i_am_J • 1y ago
Transgender

keep up the amazing work 🔥

JessicaPink703 OP • 1y ago
Legal Researcher

I've done everything I know I can do for now, now it's up to our community to carry my work forward :3

NoballsPrizeWinner • 1y ago

My appointment with SSA will be tomorrow morning what should I do 😭😭😭

JessicaPink703 OP • 1y ago
Legal Researcher

Ask to get in writing when they deny you your gender change. Take that and this case to your local legal nonprofit org (DM me if you need help finding them), request for safety to remain anonymous, and sue them for an injunction.

IBleedToo • 1y ago
Transgender

Full credit when due... I did get on you in a past comment trying to point to how the admin act did not apply to this case at the time.

Having read the posting from the ACLU and your writing I can see the direction of the argument and fully understand what you are trying to say.

Credit due and my apologies for any misunderstanding. Well fucking researched.

What I'm interested to see if the executive attempts to redefine how the APA is used (ie... fully state it does not apply to the President as the chief bureaucrat)...

JessicaPink703 OP • 1y ago
Legal Researcher

The fact that the EO gave agencies 120 days to implement it, giving plenty of time to do a proper notice-and-comment period under the APA, and they decided to rush it into effect right away is telling.

Far_Guarantee_2202 • 1y ago

I hope this all works out. I actually really enjoy having rights

JessicaPink703 OP • 1y ago
Legal Researcher

Fighting for our rights is always worth it, black pill pessimism doesn't get us anywhere! :)

PinkieGuy86 • 5mo ago

I know it's been awhile since you made this post but do you have any updates for us? I'm heading to the SSA office on the 23rd and it seems that currently they're not allowing anyone to update the gender as far as I know.

Nicole
u/nikor
Nikki, I
Nikki (A
u/drew
Glitter-
u/Head
Sylvia
u/Chipı
Assign
Michael
u/Reve
a godd
u/Angr
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JessicaPink703 OP • 5mo ago
Legal Researcher

That is correct, Orr v. Trump never touched that. Plus, the major nonprofit law firms have decided against challenging it, since it does not show up on your SS Card, plus Biden passed rules that have been left in place that banned most entities from seeing what Sex is on your SSN Record anyway. Essentially: Largely pointless for most people's legal gender transitions.

PinkieGuy86 • 5mo ago

Thank you 🙏💖

QitianDasheng2666 • 1y ago

They're ignoring court orders, we're past the point where suing is going to do anything.

JessicaPink703 OP • 1y ago
Legal Researcher

I respectfully disagree with this, they aren't there just yet. Orders are still being complied with as of now, you might be thinking of Musk and Vance egging on Trump or a judge telling the government it wasn't in full compliance with an order. Trump says for now he is appealing instead of defying.

[deleted] • 1y ago

Thank you for sharing this info! I shared this post in my friends discord server to help spread the word

JessicaPink703 OP • 1y ago
Legal Researcher

Thank you, always feel free to have them DM me directly via Reddit if there might be anything I can help with! :)

rho75901 • 1y ago
Lyra | she/her | HRT since 08/30/21 | End CGM

In regards to the SSA specifically, is there a legal argument that denying us marker changes is unlawful, or only that they didn't follow proper procedures to make the policy change?

JessicaPink703 OP • 1y ago
Legal Researcher

Denying the gender marker changes without a proper notice-and-comment period is a violation of the Administrative Procedure Act, that's my technical argument of my case that they didn't follow proper procedures. This is somewhat tactical given the shifting legal environment against our rights at SCOTUS, the fact that APA gives us time to get a new generation of trans and nonbinary folks' documents up to date regardless of what SCOTUS does, and the fact that failing to do the APA first will moot any Due Process/Equal Protection/Civil Rights arguments made and slow down getting an injunction significantly.

rho75901 • 1y ago
Lyra | she/her | HRT since 08/30/21 | End CGM

That makes sense, thank you!

DragonPanda-JDK • 2mo ago

a light that I wish I had seen in February!! the only blemish to an otherwise euphoric moment!!!

[deleted] • 1y ago